JAN 20 1976

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1009

DUNLOP HOLDINGS LIMITED, *Petitioner*

v.

RAM GOLF CORPORATION, *Respondent*

A SMALL GRACE NOTE

ELLSWORTH H. MOSHER,
ROBERT D. WEIST,
CHARLES A. WENDEL,
Attorneys for Petitioner

Of Counsel:

STEVENS, DAVIS, MILLER, & MOSHER
1911 Jefferson Davis Highway
Suite 600, Crystal Mall 1
Arlington, Virginia 22202
(703) 920-8900

MERRIAM, MARSHALL, SHAPIRO & KLOSE
Two First National Plaza
Suite 2100
Chicago, Illinois 60603
(312) 346-5750

January 1976

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1009

DUNLOP HOLDINGS LIMITED, *Petitioner*

v.

RAM GOLF CORPORATION, *Respondent*

A SMALL GRACE NOTE

The opinion of the court below was written by Circuit Judge Stevens, now Mr. Justice Stevens of this Court. In order to dispel any question that might arise in the mind of the Court as to whether the petitioner might feel inclined for that reason to request Mr. Justice Stevens to recuse himself, petitioner would like to state very emphatically that no such request will be made. On the contrary, petitioner welcomes full participation by Mr. Justice Stevens.

Petitioner is perfectly satisfied that Mr. Justice Stevens will take a completely fresh look at the situation, despite the views he earlier entertained. More importantly (from petitioner's viewpoint) petitioner is satisfied that in view of his distinguished judicial background Mr. Justice Stevens will not be deterred in the slightest by the possibility of his now arriving at a diametrically opposed conclusion after giving still further study and deliberation to the intriguing issue presented by this case.

It is by no means unheard of for an individual Justice of this Court to reverse his previous stand on an important question of law, nor indeed is it entirely unknown for an individual Justice to reverse his stand from a position earlier taken by him while he was serving at some lower level of authority within the Government. See the concurring opinion of Mr. Justice Jackson in *McGrath, Attorney General* v. *Kristensen*, 340 U.S. 162 at 176-8 (1950), for an especially charming admission of former error.

Perhaps the classic instance of fundamental change in viewpoint of the Court (as distinguished from an individual Justice) over a rather short span of time is that of the well known *Legal Tender Cases*, 12 Wall. (79 U.S.) 457 (1871). For abruptness, however, it would be hard to beat *Decker, District Judge, et al* v. *Harper & Row, Publishers, Inc., et al*, where apparently the Court first denied and then granted certiorari *all on the same day!* See 25 L.Ed.2d 810 and 820 (May 4, 1970).

Respectfully submitted,

ELLSWORTH H. MOSHER,
ROBERT D. WEIST,
CHARLES A. WENDEL,
Attorneys for Petitioner

Of Counsel:

STEVENS, DAVIS, MILLER, & MOSHER
1911 Jefferson Davis Highway
Suite 600, Crystal Mall 1
Arlington, Virginia 22202
(703) 920-8900

MERRIAM, MARSHALL, SHAPIRO & KLOSE
Two First National Plaza
Suite 2100
Chicago, Illinois 60603
(312) 346-5750

January 1976